

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:14-00116

CHADWICK J. LUSK

MOTION FOR REJECTION OF DEFENDANT'S GUILTY PLEA

Comes now the United States of America, by Meredith George Thomas, Assistant United States Attorney for the Southern District of West Virginia, and Defendant Chadwick Lusk, by counsel, and respectfully submit this Motion for a Rejection of Defendant's Guilty Plea.

The United States and defendant Chadwick Lusk concede that, based upon the Memorandum Opinion and Order entered in United States v. James H. Evans, Criminal No. 2:14-cr-00113, ECF 23, as well as the Order entered in this case, ECF 22, this Court will not be able to find a factual basis to support Defendant's guilty plea, as the defendant was an employee of the Mingo Logan Coal Company and the Information alleges that Mr. Lusk participated in a scheme to deprive Arch Coal of the honest services of Mr. Lusk. Furthermore, Mr. Lusk's relationship with Arch Coal was through his employment at Mountain Laurel and the Mingo Logan Coal Company. In light of this information, the

United States and Mr. Lusk respectfully request that the Court reject the defendant's guilty plea.

Respectfully submitted,

R. BOOTH GOODWIN II
United States Attorney

By:

/s/Meredith George Thomas
MEREDITH GEORGE THOMAS
Assistant United States Attorney
WV Bar No.10596
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: meredith.thomas@usdoj.gov

/s/Thomas W. Smith
Thomas W. Smith, Esquire
WV Bar No. 3490
405 Capitol Street
Suite 701
Charleston, West Virginia 25301
Telephone: 304-340-9911
Fax: 304-340-9915
Email: tomsmithwv@gmail.com

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "MOTION FOR REJECTION OF DEFENDANT'S GUILTY PLEA" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 8th day of May, 2015, to:

Thomas W. Smith, Esquire
405 Capitol Street
Suite 701
Charleston, West Virginia 25301

/s/Meredith George Thomas
MEREDITH GEORGE THOMAS
Assistant United States Attorney
WV Bar No.10596
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: meredith.thomas@usdoj.gov